

**CALIFORNIA DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

PRESENTATION

**SENATE SELECT COMMITTEE ON PRISON
POPULATION MANAGEMENT AND CAPACITY**

AUGUST 15, 2006

Table of Contents

Meeting Recommendations of Independent Review Panel	3
- Secretary (A) James Tilton	
Recidivism Reduction Strategies	8
- Marisela Montes, Chief Deputy Secretary Adult Programs	
Population and Inmate Characteristics	12
- Joyce Hayhoe, Assistant Secretary Legislation	
Overcrowding – Non-Traditional Beds	15
- John Dovey, Director Division of Adult Institutions	
Correctional Officer Shortages	17
- Secretary (A) James Tilton	
Population Management and Rehabilitation Needs	19
- Secretary (A) James Tilton	

INDEPENDENT REVIEW PANEL

- The Independent Review Panel, chaired by former Governor George Deukmejian, met for several months in the Spring of 2004 to consider the need for both change and reform of the Youth and Adult Correctional Agency and the Departments and Boards under its control.
- The Panel presented its findings to the Governor in June of 2004, which included over 239 recommendations they requested be considered for adoption.
- Beginning immediately, the Agency took steps to review each of the recommendations to determine what recommendations the Agency would agree to implement, and what steps would be necessary for implementation.
- To date, the newly created Department of Corrections and Rehabilitation has fully implemented over one-third of those recommendations (80), with another 155 recommendations either in the process of being implemented or waiting for legislative/fiscal action in order to fully implement.
- Of the original recommendations, the Department initially rejected only 5 recommendations—one of which has since been fully implemented (establishing a 220-day school year for juveniles). The four remaining recommendations that were rejected included:
 - Creating a Civilian Corrections Commission (CCC);
 - Situating the Office of the Inspector General under CCC;
 - Requiring transfer of correctional officers when promoted; and
 - Establishing a separate bargaining unit for management

IRP Accomplishments Summary

Leadership and Organizational Structure

- Although the Department did not agree with the creation of a civilian commission, it did agree with the need to reorganize the former Youth and Adult Correctional Agency and place authority for all personnel with the Secretary.
- The subsequent reorganization of the Department of Corrections and Rehabilitation closely followed the recommendations contained in the IRP Report. Included in these recommendations was the establishment of a separate division of correctional health care services.

Values, Ethics, and Culture

- The IRP recommended the establishment of a written code of conduct, which has been fully implemented.
- The Department has implemented “code of silence” training for all departmental employees. As suggested by the report, these recommendations were implemented quickly within the Department’s existing budget.

Employee Discipline and Investigation Changes

- The IRP provided 13 recommendations in this area. One recommendation required a State Constitutional Amendment-- Replace the existing State Personnel Board appeal process with an internal employee discipline appeal panel and therefore has not been implemented. All of the remaining 12 recommendations were implemented, including:
- Merging internal investigation and staff discipline functions for all Department of Correctional Services divisions into one full-service internal affairs office reporting directly to the Secretary.

- Establishing a central intake unit responsible for assessing all requests for internal investigations, complaints of staff misconduct, and serious use-of-force incidents
- Implementing a vertical investigation team model for all internal affairs investigations
- Establishing a disciplinary drafting unit responsible for developing a penalty matrix.
- Establishing a central database to track all facets of the employee investigations and discipline processes
- Creating a central database to record and track all allegations of staff misconduct, and use of force incidents.

Use of Force

- The Department has implemented an enhanced training program covering the “Use-of-Force” policy.

Risk Management and Health Care

- The Department established an Office of Risk Management to identify practices, policies, and conditions that represent potential legal or fiscal risks.
- The Department established the Health Care Services Division, which is headed by a top-level health care administrator.

Inmate, Ward, and Parolee Management

- The Department is now stressing the need to provide rehabilitative programs to its adult inmate population, and will stress the need to provide education, vocational, and life-skills training, as well as increased opportunities for substance abuse treatment.

- The Department continues to expand its parolee programs throughout the state, in order to improve the current high rate of parolee recidivism.
- Through implementation of the Farrell remedial plan, the Division of Juvenile Justice has begun its systemwide reform for youthful offenders at the State level. The first phase of these reforms will begin at the Preston Youth Correctional Facility in Ione. These reforms include: reducing size of ward living units, developing a research validated classification system, establishing a regular 220 day school year calendar, provide appropriate assessment and placement and programming of wards identified as suicide risks

Other Accomplishments

- Global Positioning System (GPS) Program—In June 2005 the Department began its pilot of GPS, which has now expanded to the use of almost 500 units statewide. In the next two years, the Department will add another 2,000 GPS units for use with its high-risk parole population.
- The Department has developed a partnership with three California Community Colleges to provide Basic Academy Training for its peace officer cadets.
- Leadership Development Training--Developed and providing supervisory, managerial, and executive staff training focusing on their current professional developmental needs. This developed in conjunction with CSUS.
- Gender Responsive Strategies—through the Gender Responsive Strategies Commission, the Department has developed a gender-based female reform master plan designed to provide incarcerated women with appropriate treatment based on nationwide best practices.
- COMPSTAT--Short for Computerized Statistics, Compstat tracks organizational data to determine increases or decreases in performance in the areas of safety, security, programs, finance, and operations. This system was the brainchild of Chief Bill Bratton, who

successfully used this in the Cities of New York and Los Angeles to provide systemwide accountability to large correctional agencies.

- Of the remaining recommendations that have yet to be implemented, many have the following common denominators:
 - Require changes to existing bargaining unit contracts
 - Require additional fiscal resources
 - Require additional resources in the area of information technology
 - Require legislative changes
- The Department will continue to work towards evaluation and potential implementation of the various recommendations still outstanding.

RECIDIVISM REDUCTION STRATEGIES

- Please refer to the chart in the handouts labeled “Adult Programs Spending Plan” 2006/7.
- This Chart provides a general **“framework”** for our Rehabilitation Continuum.
- It also provides a breakdown of how the current year program resources of \$52.8 million are being allocated.
- The framework **begins** in the community, moves through the in-prison experience, structured reentry (commonly referred to as “pre-release”) and **ends** in the community as the vast majority of offenders return to their community after their prison stay.
- There are **community partnerships** and offender **needs assessments** woven throughout the program continuum.
- The **purpose** of our rehabilitation programs is to **“reduce recidivism.”**

Although, the goal is really much broader than that...i.e., to ensure that all facets of the correctional experience- both in prison and on parole - prepare the offender for a successful transition.
- There are **program evaluations** by internal and external researchers built into this model as well as **program project management** to ensure we fulfill our commitments on schedule and on budget.
- You funded an **expert panel**. They will advise us on:
 - program design,
 - proper implementation,
 - definition of outcomes, and
 - help us assess the gaps between current and desired practices.

Stages of Continuum

There are four basic stages with the final one being community reintegration.

- For purposes of this overview, the **Institution** and **Structured Reentry** phases have been grouped together as they both occur while the offender is incarcerated.

Community

- The first stage **starts** with the community and needs assessment. It **builds on the SB 618** (Speier) San Diego County-Re Entry Program. This is the first of three sites envisioned. It essentially allows local law enforcement agencies in a **team approach** – to prepare and enhance nonviolent offenders for reentry into the community through ongoing **risk and needs** assessments, **case management** and “**wrap around**” services upon release.

Total budget **\$3.4 Million**

Institution and Structured Reentry

- The second stage contains 20 **distinct** programs that naturally lead from the institution to a structured reentry approach.
- These programs start in an institution setting and provide **needs assessments, education, vocational education, substance abuse treatment**, as well as in-prison sex offender treatment.
- Many of these programs smoothly transition to specialized structured reentry programs focusing on **female offenders, mandatory substance abuse treatment for parolees, pre-parole benefits such as mental health services** and other entitlements, a **carpentry pre-apprenticeship program** and some important **reentry partnerships** with cities and counties.

Total Budget **\$28.70 million**

\$18.50 million for institution

\$10.20 million for structured reentry

Community Reintegration

- This is the final step and is dependent on strong, integrated **local programming** that continues critical treatment in the areas of **substance abuse, mental health, residential placement, and sex offender** treatment, housing and monitoring.
- The **San Diego Day Reporting Center** serves as an important check and balance for parolees struggling with parole and at risk for violating their parole. Following a comprehensive intake and assessment process, services include **substance abuse counseling, relapse prevention, individual, group or family counseling, vocational and employment services, job search skills and life skills training.**
- This program in San Diego ties directly to the SB 618 program mentioned in the beginning of this continuum.
- I would also like to point out the **planning grants for local government and non-profit entities** to demonstrate innovative and collaborative reentry programs.

Total Budget \$14.30 million

Checks and Balances / Oversight

- These programs will be managed and evaluated by two offices within CDCR.
- The **Reentry and Recidivism Office** will create a Master Plan for Re-entry. It will **apply project management strategies to each new initiative, ensuring CDCR** is on track with each funded project's implementation.
- The **Office of Research** will implement performance measurement systems that can be used to monitor programs proposed in the rehabilitation continuum.

- The office will ensure **outside expert advice** is used to complete **comprehensive evaluations** of all adult prison and parole programs designed to reduce recidivism, and obtain constructive criticism of CDCR's current programs, as well as obtain ideas to make them stronger.

Total budget \$6.23 million

- Much of the work has already begun to develop **all of these programs**. Additional details, implementation plans and performance metrics are contained in the **Report to the Legislature** (due September 1st).

In Conclusion

- The programs in this plan are designed to have an impact on recidivism. They **strengthen existing programs** by adding a complimentary service, **serve additional offenders** whose needs assessments suggest a need for those services and **tie all the efforts into a single and comprehensive plan**.
- This rehabilitation continuum provides a strong beginning based on **proven** or **promising** rehabilitative programs, providing **continuity** from incarceration to parole, in a structured environment that will be reviewed by **experts with knowledge in successful programming**.
- But there is much work yet to be done.
- Again, we thank you for your support in providing evidence-based programs to assist inmates and parolees in making a successful transition to our communities.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INFORMATION ON POPULATION AND INMATE CHARACTERISTICS

- We currently have over 172,000 inmates as of August 9, 2006. Of these, over 160,000 are males and almost 12,000 are females housed in 33 institutions, 40 camps, and 12 community correctional centers throughout the state.
- According to a recently released report by the Public Policy Institute of California, our prison population is aging, with inmates under the age of 25 representing a steadily declining share while the number of prisoners in older age groups continues to grow.
- This most likely has a correlation with the fact that prisoners serving time for violent crimes are now a majority of our population, and that share is growing. In contrast, drug offenders are representing a smaller share of the prison population and now comprises approximately 20 percent of the prison population.
- Our male population is comprised of 38% Latino, 29% African American, 27% White, and 6% Other. Females are comprised of 28% Latina, 29% African American, 39% White, and 5% Other.
- After California's incarceration rate per 100,000 persons peaked in 1998 at 673, our rate has declined over the last eight years to its current rate of 616. At the same time, the incarceration rate in the rest of the United States has continued to increase slightly. Today, California's ranks 17th among all states for incarceration rates, with our rate of 616 slightly above the national average of 573.
- In terms of the yearly admissions to California's prisons, in 2005 we had 70,573 admissions, and 61,999 parole violators.
- The next page puts our population into perspective. While we have almost 62,000 parole violators returned during the year, this only makes up a little over 11 percent of our total inmate population at any

given time. In addition, this percentage is projected to decrease over time.

- The growth in our population over the last several years, and the population that continues to grow at the greatest rate, as shown in our chart, is the population of inmates who are serving life terms.
- What is the makeup of each of these groups of felons in prison? Starting with felons serving a life term, these are people convicted of first and second degree murder, certain acts of attempted murder, kidnap for ransom and robbery, and “third-strike” felons.
- Parole Violators—there is a tendency to refer to any parolee returned to prison without a new term as a “technical” parole violator. In looking at the reasons why parolees return to prison over a year’s period, however, the data show that 82% of parolees returned to prison for these so-called “technical” violations were actually returned for criminal conduct.
- Only 18% of the returns could truly be considered a technical or “status” offense. In addition, of these returns, the majority of the 18% of these returns were in cases where parolees had absconded while on parole—these made up 65% of these cases—in which parole and local law enforcement authorities had issued a warrant for the arrest of the parolee for absconding while on parole. While this is not technically a crime, parole absconders do pose a risk to public safety.
- Of the 18,508 parole violators in prison, a little over 3,000 are there for “technical” parole violations. Factoring 65% of those for parole absconders would leave you with a little over 2,000 parolees in for technical violations.
- If the Department stopped returning technical parole violators to prison, the inmate population would only be reduced by 2,000 to 3,000 inmates.
- Determinately-sentenced felons—Currently, this is the breakdown by offense category of the felons housed in our facilities—over 85,000 were sentenced for crimes against a person, over 36,000 for property

offenses, over 35,000 for drug offenses, and almost 13,000 for other crimes.

- Of our property offenders, almost 7,000 had one prior conviction for a serious or violent felony, and another 6,000 had two or more convictions.
- Of our drug offenders, almost 7,000 had one prior conviction for a serious or violent felony, and another 5,000 had two or more convictions.
- How many of our property and drug offenders are truly first time offenders? Our data show that approximately two-thirds of these offenders have at least one prior conviction.

OVERCROWDING – NON TRADITIONAL BEDS

- As of August 9, 2006, our population is 172,176 inmates. Of that number, approximately 16,000 inmates are in non-traditional overcrowding beds.
- Non-traditional beds include gyms and dayrooms and triple bunks. These are spaces not intended for inmate housing. Based upon the increases in population, it has been necessary to utilize these areas for “temporary” housing. Roughly 3000 non-traditional beds are remaining before all of these beds have been filled.
- The constant strain of overcrowding stretches our correctional work force. The daily population pressures place enormous demands on the entire system, on the inmates and especially our employees. The level of overcrowding has reduced the availability of program and recreation space that is essential for positive inmate programming. There is widespread agreement among correctional experts that chronic idleness produces negative psychological and behavioral effects in prison.
- Idleness-related frustration increases the probability of interpersonal conflict and assaults in prison. Overcrowding simultaneously reduces the opportunities for staff to effectively monitor inmate behavior and drastically limits the options to reduce animosities between inmates by separating them or sending them to different facilities. Thus, there is less for inmates to do, fewer outlets to release the resulting tension, a decreased staff capacity to identify inmate problems, and fewer options to solve them if and when they do.
- Because of these conditions, the risk of catastrophic failure in a system strained from severe overcrowding is a constant threat. As the Director of the Division of Adult Institutions, it is my professional opinion this level of overcrowding is unsafe and we are operating on borrowed time.
- Eliminating the seriously overcrowded conditions that exist within the system today will provide inmates a viable alternative to idleness,

boredom and violence, and improve the work environment and safety of our staff.

- When non-traditional beds are deactivated, the following programming activities would be implemented:
- **Gyms:**
 - Self Help Programs: Partnerships with community groups for expanded programs such as Parenting classes, AA/NA, Alternatives to Violence, Victim Impact programs, etc.
 - Religious Programming: Expanded programming such as Kairos Men's Group, outreach groups and other services.
 - Arts in Corrections – Poetry, painting, plays, reading groups, etc.
 - Various recreational purposes.
 - Special Events – charitable campaigns and diversion programs.
- **Dayrooms:**
 - Out of cell time during evening hours
 - Board Games
 - Television
 - Study Groups
 - Peer Helper Programs
- These programming activities will promote positive inmate behavior through behavior based participation. Staff and public safety will be enhanced through the use of this space by reducing inmate idleness and promoting positive inmate behavior.

CORRECTIONAL OFFICER SHORTAGES

- In 2004, the training academy was shut down from February until November. It takes 18 months to bring selection process and academy back up to capacity.
- The Department is currently unable to provide sufficient cadets to fill our academies (Funded to train 3,720 correctional officers/year)
- If the Department was able to fill our academies to capacity, each academy would consist of 420 cadets.
- The Department has evaluated our hiring process, which took up to 18 months for selection, background clearance and pre-employment medical and psychological evaluations. Previously, the hiring and recruitment process was linear.
- With a great amount of time and effort, the Department has reduced this process to approximately 6 months by simultaneously performing the background, pre-employment medical and psychological screening processes.
- The Department has also allocated additional resources in the testing and background phases to address bottlenecks.
- Current problem is in obtaining applications. Since May, 2006, 7,363 applications have been received. Today, we have 21,756 applications. We are currently receiving approximately 3,600 applications every 6 weeks.
- Now that we have streamlined the background and selection process, our current problem is obtaining enough applications to fill each academy to capacity and to build up a reserve of applications so that we always have enough applicants for our academies. To fill each academy we need 9200 applications. In May, 2006 we had 7363 applications. Today due to more aggressive recruitment (job fairs, getting our current staff involved

in recruitment etc) we have 21,756 applications on hand and we are receiving 1600 applications weekly

- The Department is confident that in 12 months it can get the applicant number up to fully staff academies and build a reserve of applicants.

THE DEPARTMENT'S PLAN FOR ADDRESSING ITS POPULATION MANAGEMENT AND REHABILITATION NEEDS

- Based on work that has been done over the last year, the Department proposes the following steps to address its housing and management needs:
- Female Offender Reform Plan—the Department proposes to contract for 4,500 female offender beds throughout the state for non-serious/non-violent female offenders.
- For our male population, we propose the following for our short term, immediate needs:
 - Contracting to place 5,000 undocumented felons out of state
 - Contracting for 4,000 male CCF beds
 - Conversion of Northern California Women's Facility
- Our intermediate plan consists of the following:
 - Construction of approximately 16,000 beds at existing prison facilities throughout the state, including conversion of 800 female beds at the California Rehabilitation Center for males
- Our long term plan consists of the following:
 - Construction of two new prisons (currently working with federal receiver to identify medical/mental health needs for this proposal)
 - Construction of 5,000 reentry beds throughout the State
- Other parts of our plan:
 - Use of “design-build” construction
 - Authorization for a Southern Training Academy
 - Authorization to perform in-house psychological screening

- Authorization to use Fred C. Nelles Youth Correctional Facility to house inmates or train staff